

Office Action Summary

Application No.

08/792,072

Applicant(s)

SUGIURA ET AL.

Examiner

Scott A. Rogers

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on (see Detailed Action).
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 and 73-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-71 and 73-87 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 06/589,342.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/18/02 & 10/10/01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☒ Other: Detailed Action.

DETAILED ACTION

Allowable Subject Matter

Claims 1-71 and 73-87 are allowed.

This application is in condition for allowance except for the following formal matters:

See requirements below regarding amendments.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Amendments

The Amendment filed 5 October 2001 is proper and has been entered in full. In view of the claim amendments, claims 1-71 and 73-87 are now allowed.

There have been several amendments and a preliminary amendment to the specification that are not in proper format under 37 CFR 1.173, duplicate information, and/or have deficient instructions (i.e., which amendment is being replaced). These are the amendments that were filed 14 September 1992, 20 December 1994, 20 November 1995, 10 February 1997, 10 October 2001, and 18 April 2002. None of the amendments to the beginning of the specification are in proper form. Given that the PTO can't retroactively disregard amendments, applicant must submit a replacement

substitute specification which incorporates the appropriate information to the title, change in priority, and provides only one paragraph after the title which correctly lists the continuity or applications including application number and filing date as well as patent number and issue date if applicable.

Notice of Non-Compliant Amendment

Applicant's "Response to Notice of Non-Compliant Amendment" filed 18 April 2002 is acknowledged. Applicant is correct in that the Amendment filed 05 October 2001 is fully compliant with 37 CFR 1.121 for the reasons applicant states. The "Notice of Non-Compliant Amendment" mailed 26 March 2002 was sent out in error and is hereby officially withdrawn. However, a substitute specification is required as described above.

Assent by Assignee

The new Assent of Assignee filed 14 October 2003 meets the requirements of 37 CFR 3.73(b). It is noted that the new assent was filed because the person who signed the Assent of Assignee filed 2 October 1991 establishing ownership interest was not recognized as an officer of the assignee, and he/she had not been established as being authorized to act on behalf of the assignee (see MPEP § 324). That person had no title listed nor was he/she listed on the statement under 37 CFR 3.73(b).

Drawings

Applicant filed a "Request for Approval to Make Drawing Changes" on 13 February 2001 (Paper No. 37). However, the three sheets of drawings on which applicant is requesting changes correspond to the 3 sheets of formal drawings, with those changes made, filed 03 February 1993 in parent application number 07/680,074. These three sheets of formal drawings, together with the other drawings of record, are identical to the drawings in the patent. Therefore, the "Request for Approval to Make Drawing Changes" has been disregarded. None of the drawings are to be labeled as "Amended".

Information Disclosure Statement

The information disclosure statement (IDS) filed on 18 April 2002 has been considered by the examiner. This IDS is identical to the IDS filed 10 October 2001, which was previously considered but not mailed to applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Coles can be reached at 571-272-7402.

Application/Control Number:
08/792,072
Art Unit: 2625

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO Customer Service Center phone number is 800-PTO(786)-9199 or 571-272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SCOTT ROGERS
PRIMARY EXAMINER

20 November 2007